

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- May 15, 1968

Appeal No. 9602 Martin M. Decker, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on May 21, 1968.

EFFECTIVE DATE OF ORDER - Sept. 18, 1968

ORDERED:

That the appeal for permission to erect SP office building with roof structures in accordance with provisions of Section 3308 and variance from the rear yard requirements and variance from provisions of Section 3308.22 to permit roof structure in excess of 0.25 at 1101 - 16th Street, NW., lots 814,815,817, square 197, be granted.

FINDINGS OF FACT:

- [1] The subject property is located in an SP District.
- [2] The subject lots have a 70 foot frontage and a depth of 112 feet and contains 7,840 square feet.
- [3] It is proposed to erect a seven story office building with roof structure to house stairs, cooling tower, elevator machinery, and other mechanical equipment. There will be four levels of underground parking.
- [4] The area of the roof structure will be 2,764 square feet with an FAR of 0.353.
- [5] The area of the proposed building will be 43,120 square feet with an FAR of 5.5.
- [6] The material and color of the street facade and the roof structure will be buff precast stone.

[7] A request is being made for a variance from the rear yard requirements to permit a reduction in the size of the rear yard to 19 feet and for permission to have a projection into the rear yard and to permit a balcony to extend into the rear yard at the cornice line. This projection is approximately four feet.

[8] It is also requested that the roof structure may be permitted to be constructed without compliance with the one to one setback.

[9] The proposed building is to be constructed for the National Soft Drink Association, a non-profit trade association for the soft drink industry. It has a membership exceeding 2,800 manufacturing plants in approximately 1,400 communities of the United States. There are approximately 320 suppliers of materials, ingredients, equipment, containers, machinery, etc. who are associate members of the Association.

[10] The Association provides a medium for members to co-operate for better operating procedures, more efficient production processes and distribution methods, and for the general improvement of conditions within the industry's sphere of activity. The Association proposes to occupy at least two floors of the building as office space for its national headquarters.

[11] This appeal was filed and heard under plans by Vlastimil Koubek, AIA, architect, drawings No. 1,3,12 and 13, approved as noted by Mr. Arthur P. Davis, architect-member of the Board on July 12, 1968.

[12] The Department of Highways and Traffic offers no objections to the granting of this appeal. However, the memorandum from the Director states: "This Bureau does, however, object to the depth of the proposed loading dock from this narrow 12 foot alley in the rear of this proposed new office building.

"It is recommended, therefore, that this loading dock be redesigned in order to accommodate large trucks that may be required to use this loading dock."

[13] There was no objection to the granting of this appeal registered at the public hearing.

OPINION:

We are of the opinion that the erection of this proposed SP building will be in harmony with existing uses on nearby and adjoining properties and that the proposed use will not create dangerous or otherwise objectionable traffic conditions. However, we think that there should be every effort made to meet the remarks of the Department of Highways and Traffic. This problem can probably be resolved by meeting with representatives in the Highways Department for a workable solution to the loading dock location.

The size of the site does present certain practical difficulties for the owner and the owner and the requested variances can be granted without substantial detriment to the public good and without impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and map. The requested relief does not permit a larger building than permissible under the SP zoning and the variances allow the development to be compatible with other existing structures in the area.

We conclude that the roof structure will harmonize with the street frontage of the building in architectural character, material, and color. The roof structures are in harmony with the purpose and intent of the Zoning Regulations and will not tend to adversely affect nearby and adjoining property. Further, we believe that appellant has shown a hardship within the meaning of the Zoning Regulations sufficient to permit the requested excess in roof structure FAR and the variance from the setback requirements of Section 3308.

The Board retains jurisdiction over the use of the proposed building as provided in Article 41 of the Zoning Regulations.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: 

JAMES E. BESS

Secretary of the Board

THE ABOVE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - May 15, 1968

Appeal No. 9602 Martin M. Decker, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, the following AMENDMENT to the Order of the Board was entered at the meeting of April 20, 1971.

EFFECTIVE DATE OF AMENDMENT - May 19, 1971

ORDERED:

That the appeal for permission to erect SP office building with roof structures in accordance with provisions of Section 3308 and variance from the rear yard requirements and variance from provisions of Section 3308.22 to permit roof structure in excess of 0.25 at 1101 - 16th Street, NW., Lots 814,815,817, Square 197, having been granted the Order effective September 18, 1968, is amended by adding the following condition:

[a] Non-profit organizations may occupy that portion of the premises approved for SP office use by the Board without approval of this Board provided that the Zoning Administrator determines that they qualify as non-profit organizations under the definition contained in the Zoning Regulations by the submission of the following evidence:

- (1) Articles of Incorporation of Charter
- (2) By-laws or statement of purpose of the organization.
- (3) Letter of exemption from the Internal Revenue Service showing that the organization qualifies under Section 501(c)3 of the Internal Revenue Code or the equivalent section for exemption under the D.C. Code.

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- (d) These conditions shall not apply to local or Federal governmental agencies and authorities in that they are prohibited from the use of SP office space.
- (e) Applicants upon adoption of the By-laws of the foundation and the obtaining of the exemption ruling from the Internal Revenue Service shall file copies of the same with The Board.
- (f) The Board reserves the right to direct revocation of the occupancy permit upon the proper showing that any terms or conditions of this Order have been violated.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By : _____
PATRICK E. KELLY
Secretary of the Board

THAT THE AMENDMENT IN THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS AMENDMENT.